

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 14, 2019

SEAN F. McAVOY, CLERK

1:14-cr-02100-SAB-2

Emily Louise Hernandez-Stepney

Petitioner,

VS

United States of America

Respondent,

MOTION FOR DISCOVERY, "CHANGE OF PLEA"
AND "SENTENCING" HEARING(S) TRANSCRIPTS
WITH ACCESS TO COURT RECORD
IN FORMA PAUPERIS

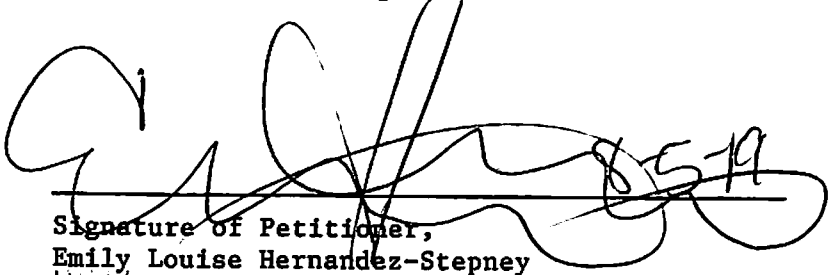
Comes Now, Emily Louise Hernandez-Stepney, Petitioner, to bring before this Honorable Court a "Motion for Discovery, "Change of Plea" and "Sentencing" Hearing(s) Transcripts with Access to Court Record In Forma Pauperis" pursuant to 28 U.S.C. § 1915 and in relation to 18 U.S.C. § 3006A (Criminal Justice Act) and 28 U.S.C. § 753 in accordance to Fed. R. Crim. P. 16 and Fed. R. Civ. P. 26 as allowed by the R. Governing §2255 Proc. 6 and 12. Petitioner is an indigent incarcerated female prisoner whom is requesting such said documents and transcripts for the purposes of Amending her Original 28 U.S.C. § 2255 Motion for the following reasons:

1. Petitioner requests "Change of Plea" and "Sentencing" hearing(s) transcripts to ascertain how appointed counsel's deficiencies deprived and prejudiced petitioner of a just outcome. Thus allowing petitioner to diligently amend and construe claims under the Ineffective Assistance of Counsel ground(s) in her Original 28 U.S.C. § 2255 Motion.
2. Petitioner includes her request for Discovery to diligently review and ascertain how appointed counsel's failure to investigate, possible violations of her Fourth (4th) and Fifth (5th) Amendment Rights of the United States Constitution, deprived and prejudiced her from adequately receiving Effective Assistance of Counsel under the Sixth (6th) Amendment Right of the United States Constitution by appointed counsel's indication he could not furnish petitioner with copies of the Discovery for her own review.
3. Furthermore petitioner is an indigent incarcerated female prisoner without the necessary funds to purchase such requested documents and transcripts, therefore has completed an Application to Proceed Without Prepayment of Fees and Affidavit attached to this motion.

Therefore, for all the forgoing reasons, Petitioner prays this Honorable Court will grant her "Motion for Discovery, "Change of Plea" and "Sentencing" Hearing(s) Transcripts with Access to Court Record In Forma Pauperis" pursuant to 28 U.S.C. § 1915 and in

relation to 18 U.S.C. § 3006A (Criminal Justice Act) and 28 U.S.C. § 753 in accordance with Fed. R. Crim. P. 16 and Fed. R. Civ. P. 26 as allowed by the R. Governing §2255 Proc. 6 and 12.

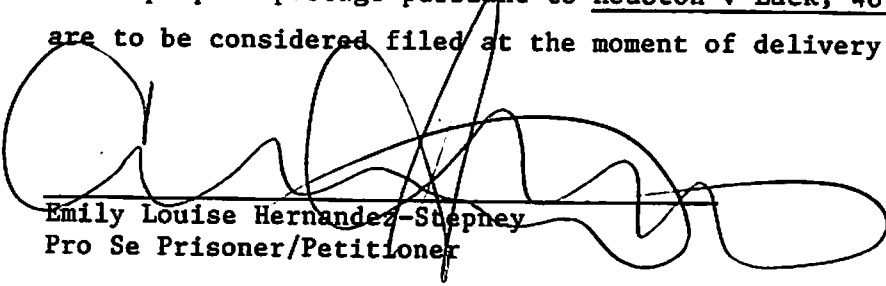
Respectfully submitted this 5th day of August, 2019 under penalty of perjury that the foregoing is true and correct, and by the mandates of Haines v. Kerner, 404 US 519, "allegations of the pro se complaint, which we hold to less stringent standards that formal pleadings drafted by lawyers,".



Signature of Petitioner,
Emily Louise Hernandez-Stepney

CERTIFICATE OF SERVICE

I further certify that the following document, MOTION FOR DISCOVERY, "CHANGE OF PLEA" AND "SENTENCING" HEARING(S) TRANSCRIPTS WITH ACCESS TO COURT RECORD IN FORMA PAUPERIS, pursuant to 28 U.S.C. § 1915 and in relations to 18 U.S.C. § 3006A (Criminal Justice Act) and 28 U.S.C. § 753 in accordance to Fed. R. Crim. P. 16 and Fed. R. Civ. P. 26 as allowed by the R. Governing §2255 Proc. 6 and 12, was placed in the institutional mailbox first class prepaid postage pursuant to Houston v Lack, 487 US 266, "Pro Se prisoners...notices are to be considered filed at the moment of delivery to prison authorities".



Emily Louise Hernandez-Stepney
Pro Se Prisoner/Petitioner

8-5-19
Date